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Practitioner's Docket No. 2000FR303

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Didier WILHELM, Armand ERANIAN, Ngoc CAN VU, and Philippe VINCENT

Application No.: 09/821,876

Group No.: 1711

Filed: March 30, 2001

Examiner: Susan W. Berman

For: Silico-Acrylic Compositions Method for Their Preparation and Use

Commissioner for Patents
Washington, D.C. 20231DECLARATION TO DISQUALIFY COMMONLY OWNED
PATENT AS PRIOR ART
(37 C.F.R. § 1.130)

PURPOSE OF DECLARATION

1. This declaration is to establish the ownership of the invention in this application as being the same as that of U.S. patent 6,136,912 granted on October 24, 2000 that was cited by the examiner and to establish that the inventor named in this application, Armand Eranian, is the prior inventor under 35 U.S.C. § 104.

2. The person(s) making this declaration is (are) the party in interest.

TIME OF PRESENTATION OF THE DECLARATION

This declaration is submitted prior to final rejection.

DECLARATION

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

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Date:

5-14-03

Signature

Vicki S GRO

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under 37 C.F.R. § 1.10 will be the date used in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Declaration to Disqualify Commonly Owned Patent as Prior Art (37 C.F.R. § 1.130)—page 1 of 2

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PATENT

GROUP 1700

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GROUP 1700**3. As a person signing below:**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

4. Terminal Disclaimer

Terminal Disclaimer was filed on January 29, 2003 and the fee was paid on that date.

SIGNATURE(S)**5.**

Assignee

Clariant (France) S.A.

Signature

Date: Assignee signature date 30/04/2003

Name of assignee: Clariant (France) S.A.

Address of assignee: 70 Avenue du General du Gaulle, Puteaux, France 92800

Title: (Officer of Clariant (France) S.A.) CHAIRMAN

Assignment recorded in PTO on March 30, 2001
Reel 011681 Frame 0607

A "STATEMENT UNDER 37 C.F.R. § 3.73(b)" is attached.



Clariant

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INTEROFFICE MEMO

To: Clariant (France) S.A. (Industrial Property Department)
From: Vicki Sgro, Paralegal, Industrial Property Department
Date: May 14, 2003
Subject: Copy of Amendment

Attached is a copy of the above papers as filed on May 14, 2003.

We will continue to keep you informed regarding the status of this application.